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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,846	01/13/2005	Sung Yoon Kim	260977US6PCT	7194
22850 7590 10/01/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SCHWARTZ, DARREN B				
ART UNIT 2435		PAPER NUMBER		
NOTIFICATION DATE 10/01/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/519,846

Applicant(s)

KIM ET AL.

Examiner

DARREN SCHWARTZ

Art Unit

2435

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-20 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant amends claims 2, 13, 14, 17, 19, 24 and 24. Applicant adds new claims 26-28.

Claims 1, 2, 4-6, 8-20 and 23-28 are presented for examination.

Response to Arguments

Applicant's arguments, see Remarks, filed 15 July 2010, with respect to the rejections of claims 1, 2, 4-6, 9-15, 17, 19, 20 and 23-25 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is set forth *infra*.

To the extent Applicant's arguments may apply, the Examiner introduces Abburi et al (U.S. Pat App Pub 2003/0084306 A1).

Claim Objections

Claim 13 is objected to because of the following informalities: Claim 13 recites "means for determining determining that fewer" and should probably read "means for determining that fewer"

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant claims a computer-readable storage medium.

On page 10 of specification, applicant states that "distributing the content is not limited, so the content may be distributed through communications lines such as the Internet or by a recording medium such as a CD-ROM." Thus the computer-readable storage medium may be broadly and reasonably interpreted as encompassing signals.

Transitory, propagating signals such as carrier waves are not within any of the four statutory categories (process, machine, manufacture or composition of matter). Therefore, a claim directed to computer instructions embodied in a signal is not statutory under 35 U.S.C. 101. *In re Nuijten*, 500 F.3d 1346, 1354 (Fed. Cir. 2007).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-19, 24, 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Abburi et al (U.S. Pat App Pub 2003/0084306 A1), hereinafter referred to as Abburi.

Re claim 13: Abburi teaches an information server that enables a use of an encrypted content (¶94), the information server comprising:

means for determining whether fewer than a predetermined number of information devices are associated with grouped device identification information (§§449-§451);

means for providing the grouped device identification information (§§25) and for providing key information (§§202; §206; *the license comprises decryption key (KD)*), in response to a receipt of device identification information of an information device (§§414; §455) and upon the means for determining determining that fewer than the predetermined number of information devices are associated with the grouped device identification information (§§449-§451), the grouped device identification information identifying the key information (§§25-§26; §158; §167-§168), the key information decrypting an encrypted content (§§16; §19); and

means for transmitting a license based on the grouped device identification information (§§414; §445; §§449-§451), the license identifying the grouped device identification information (§§10) and being identified by the encrypted content (§§11).

Re claim 14: Abburi teaches means for receiving the device identification information from one of the information devices (§§414; §421; §445).

Re claim 15: Abburi teaches the means for determining refuses a device registration request from an information device, after a number of the information devices reaches the predetermined number (§§449).

Re claim 16: Abburi teaches means for determining deletes the device identification information, which is specified by a device registration deletion request from the one of the plurality of information devices (§§466-§468; §472-§473).

Re claim 17: Abburi teaches means for determining whether to charge for transmitting the license from information server, based on whether the grouped device identification information has been provided by the information server (§§94), wherein the means for transmitting transmits the license to the information device in response to a license request from the information device (§§180).

Re claim 18: Abburi teaches the information devices are owned by one user (§§450-§§451).

Re claims 19 and 24-26: Claims 19 & 24-26 are rejected under similar grounds as those stated in claim 1 *supra*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-6, 8-12, 20, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al (U.S. Pat App Pub 2002/0114466 A1), hereinafter referred to as Tanaka in view of Abburi et al (U.S. Pat App Pub 2003/0084306 A1), hereinafter referred to as Abburi.

Re claim 1: Tanaka teaches an information device comprising:

means for storing an encrypted content (§7; §16; §83, right column) and a license (§8); means for reading out the license based on the encrypted content (Fig 5, elt "Lic.ID;" Fig 6, elt S41; Fig 8, elt "LICENSE ID");

However, Tanaka does not expressly disclose means for receiving grouped device identification information, for receiving key information in response to a transmission of device identification information of the information device and upon a determination that fewer than a predetermined number of information devices are associated with the grouped device identification information, and for receiving the license based on the grouped device identification information.

Abburi teaches means for receiving grouped device identification information ["user identifier"] (§25), for receiving key information (§202; §206; *the license comprises decryption key (KD)*) in response to a transmission of device identification information ["unique machine identification number"] (§414) of the information device (§414; §445) and

upon a determination that fewer than a predetermined number of information devices are associated with the grouped device identification information (§449-§451), and for receiving the license based on the grouped device identification information (§414; §445; §449-§451).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Tanaka with the teachings of Abburi, for the purpose of binding the content and licenses to a plurality of devices. Doing so provides for the flexibility in allowing a user to distribute content to a plurality of

devices whilst simultaneously enforcing usage controls and compensating the creators & distributors.

The combination of Tanaka and Abburi teaches [means] for reading out the grouped device identification information based on the license (Tanaka: Fig 8, elt "LEAF ID;" ¶113; Abburi: ¶25; *It would have been obvious to one of ordinary skill to incorporate into the license of Tanaka, the grouped device identification information of Tanaka for providing the flexibility of controlling the distribution of content amongst a plurality of devices*),

[means] for reading out the key information based on the grouped device identification information (Tanaka: Fig 19, particularly elt "DNK" or Device Node Key; ¶113; Abburi: ¶25-¶26; ¶158; ¶167-¶168), and [means] for decrypting the encrypted content based on the key information (Tanaka: ¶7; Abburi: ¶16; ¶19).

Re claim 2: The combination of Tanaka and Abburi teaches a content file includes the encrypted content and license identification information identifying the license (Tanaka: Fig 5, elt "Lic.ID;" Fig 6, elt S41; Fig 8, elt "LICENSE ID;" ¶11; Abburi: Fig 3, elts 12p & 12; ¶100), and the license includes the grouped device identification information (Tanaka: Fig 19, particularly elt "DNK" or Device Node Key; ¶113; Abburi: ¶25-¶26; ¶158; ¶167-¶168).

Re claim 4: The combination of Tanaka and Abburi teaches means for transmitting the transmission to an information server (Tanaka: Fig 1, elt 2; ¶3; ¶73).

Re claim 5: The combination of Tanaka and Abburi teaches the means for receiving receives the grouped device identification information (Abburi: ¶414; ¶445)

and the key information from the information server (Abburi: Fig 3, particularly elt Key ID; ¶66; ¶78).

Re claim 6: The combination of Tanaka and Abburi teaches means for storing stores the device identification information, which uniquely identifies the information device from the information devices (Tanaka: ¶14; ¶113; Abburi: ¶370).

Re claim 8: The combination of Tanaka and Abburi teaches means for requesting the information server to delete from the information server the unique device identification information (Abburi: ¶466-¶468; ¶472-¶473).

Re claim 9: The combination of Tanaka and Abburi teaches information devices are owned by one user (Abburi: ¶21; ¶25).

Re claim 10: The combination of Tanaka and Abburi teaches the key information, corresponds to a device node key allocated to the information devices, the device node key being a node in a bottom layer among a plurality of node keys in a hierarchical tree structure, wherein each of the plurality of node keys is encrypted and corresponds to a different node in the hierarchical tree structure, which branches off from a top layer to the bottom layer, the encrypted content, is multiply encrypted by each of the plurality of node keys on a path in the hierarchical tree structure from the device node key to a root key, the root key being one of the plurality of node keys in the top layer of the hierarchical tree structure, and the means for reading out sequentially decrypts each of the node keys on the path from the bottom layer to the top layer in the hierarchical tree structure, using the key information as the device node key to obtain the root key, and

then decrypts the encrypted content by using the obtained root key (Tanaka: Figs 12, 18A, 18B & 18C; ¶137-¶140).

Re claim 11: The combination of Tanaka and Abburi teaches the encrypted content, is encrypted by a content key that is encrypted by the root key, and the means for reading out decrypts the content key by using the root key, and then decrypts the encrypted content using the content key (Tanaka: Fig 16; ¶11).

Re claim 12: The combination of Tanaka and Abburi teaches the encrypted content, includes at least one of text data, still image data, moving image data, or voice data (Tanaka: ¶9; Abburi: ¶87).

Re claims 20 and 23: Claims 20 and 23 are rejected under similar grounds as those stated as per claim 1 *supra*.

Re claim 27: The combination of Tanaka and Abburi teaches wherein a number of information devices associated with the grouped device identification information is incremented after the transmission of the device identification information (Abburi: ¶21; ¶442; ¶448; ¶459; ¶465).

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al (U.S. Pat App Pub 2002/0114466 A1), hereinafter referred to as Tanaka in view of Abburi et al (U.S. Pat App Pub 2003/0084306 A1), hereinafter referred to as Abburi, in further view of Cooper et al (U.S. Pat 5737416 A), hereinafter referred to as Cooper.

Re claim 26: The combination of Tanaka and Abburi teaches all the limitations of claim 6 as previously stated. Yet Cooper teaches means for reading out produces the

device identification information using random numbers (Figure 12; col 6, lines 6-7; col 14, lines 34-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Tanaka and Abburi with the teachings of Cooper, for the purpose of generating unique devices identifiers and avoiding collisions or duplications of device identifiers; random numbers are known in the art to provide such chaos and prevent duplication.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on 7am-5pm EST, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./
Examiner, Art Unit 2435
/Kimyen Vu/
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